

REMARKS

The undersigned, the inventor, and the two principals of the company owning the technology wish to thank the Examiner for her granting the lengthy interview and her help in arriving at claims which define the invention and differentiate over the art.

The invention title has been changed in the claims to – chemical change reagent— which more adequately explains the invention. If the Examiner deems it appropriate, she is authorized to change the title of the invention to – Chemical Change Agent and Method of Using same--.

Other changes relating to the hydrocarbon wax as excluding montan wax have been added to differentiate over the Borenstein reference.

The claims have been amended to obviate the Examiner's informal criticisms and to eliminate two of them. The word "coal" has been added to claim 1 and to other claims to help define the invention over the prior art. Certainly, Borenstein does not contemplate his composition on coal...there is no suggestion or teaching of that whatsoever. Further since Borenstein must use montan wax his teaching would not apply to the instant invention and his composition could not be used therein

The necessity of this montan wax eliminates any standing of Borenstein as a teaching reference and the rejections fail. In addition, the same arguments apply to Greve who is dealing with wallboard, not improving combustion in coal. The reference is totally irrelevant.

Claims 17 – 19 appear to have been overlooked by the Examiner as being indicated allowable in the last Office action. They depend on claim 16 which is allowable. The same applies to claim 22 which was not rejected except for the 112 rejection. Claim 17 has been cancelled to eliminate superfluous claiming.

Claims 13 and 26 have been cancelled to eliminate all reference to any Federal Statue. It is believed, however, that the Patent Office could take Official Notice of a Federal Statute but applicant has decided not to argue the point.

Claims 21 to 23 were cancelled and new claims 24 and 25 added to clarify the substance thereof. The reference to “fatty acid” was deleted from claim 24.

The Examiner is again thanked for her cooperation in looking over the above amended claims in a facsimile exchange with the undersigned where she pointed out some informalities which have been addressed in this amendment. The Examiner and the undersigned have agreed that the claims as amended are allowable and will be passed to issue.

The objections raised in the advisory action to claims 1, 4, 7, 8, 13, 24 and 25 have been addressed and the claims amended or changed in accordance with the Examiners comments. In addition, the entire claim set has been changed over to the new claiming procedure with “Currently amended”, “Cancel”, “Previously cancelled” and “New” used in lieu of the old claiming format.

Since it is now believed that the claims clearly define over the prior art of

rcord, it is requested that the Examiner withdraw the Final Rejection and pass the application to issue. If the Examiner should see any minor corrections needed she is authorized to make the correction by Examiner's amendment.

A request for a one month extension to respond to the Final Action of April 22, 2003, is submitted herewith. It is believed that this amendment places the case in condition for allowance and an early passage to issuance is earnestly solicited.

Respectfully submitted,

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Certification of Mailing

I, James W. Hiney, do hereby certify that an executed original of this amendment was deposited, Express Mail Postage Prepaid, No. ER 063488908 US, with the United States Postal Service, this 5th day of August, 2003 addressed to the above addressee.

James W. Hiney